

Notice of Allowability

Application No.

10/020,425

Examiner

Paul Callahan

Applicant(s)

OSHIMA ET AL.

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to IDS filed 6-5-06.
2. ☒ The allowed claim(s) is/are 31 and 32.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 08/560,015.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ *PC*
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11-5-2004 has been entered.

2. Claims 31 and 32 are pending in this application and have been examined.

Information Disclosure Statement

3. The supplemental Information Disclosure Statements filed by the Applicant on 1/5/05 and 6/5/06 have been considered. They are not found to have any effect on the previously indicated allowability of the pending claims found in the Notice of Allowance entered in the file 5/3/04 and not yet mailed.

Terminal Disclaimer

4. The terminal disclaimer filed on 1/7/2004 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of any US Patent granted on co-pending US application 10/020,427 has been reviewed and is

accepted. The terminal disclaimer has been recorded. The terminal disclaimer overcomes the provisional obviousness type double patenting rejections, found in the previous Office Action in the case, of claims 31 and 32 as being obvious in view of co-pending US application 10/020,427,

Reissue Applications

5. Claims 31 and 32 were previously rejected as being based upon a defective reissue declaration under 35 U.S.C. 251 as set forth in the previous Office Action in this application. See 37 CFR 1.175. The substitute declaration filed 7/22/2004 is proper and the rejections of the claims are overcome.

Allowable Subject Matter

6. Claims 31 and 32 are allowed.

7. The following is an examiner's statement of reasons for allowance:

The features of the claimed invention not found in the prior art are: an optical disc and a method for manufacturing the disc; the disc having a reflective layer formed on an data zone; the data zone having pits indicating signals readable by light radiation; where portions of the reflective layer have been trimmed to form markings forming a bar-code pattern that indicates information; where the markings are formed on a track of the optical disc; and where the pits are provided between successive markings forming the bar-code pattern.

The closest prior art in the field, Fite et al, 5,513,169, teaches the formation of a bar-code pattern on an optical disk via laser trimming of a reflective layer. However Fite does not teach formation of a barcode mark "*on a track*" of the disk as disclosed in the instant application at, for example, fig. 2D, where a mark formed by laser trimming is shown arranged over the top of a track. In the system of Fite the barcode marks are formed between tracks, as shown for example in fig. 3 where there is depicted an arrangement of engraved areas interspersed between information sub-bands containing tracks. The engraved area of Fite does not constitute a track based upon its disclosed characteristics. The engraved region of Fite supplants an area of tracks instead of residing over top of one as is taught by the instant application.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Callahan whose telephone number is (571) 272-3869. The examiner can normally be reached on M-F from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Emmanuel Moise, can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is: (571) 273-8300.

8-05-06


Paul Callahan


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER